



**U.S. Department of Justice**

***Carmen M. Ortiz***  
***United States Attorney***  
***District of Massachusetts***

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**BY ECF and E-mail**

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Guite 260 EF  
Maynard, Massachusetts 01754

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10 Winthrop Square, 4<sup>th</sup> Floor  
Boston, Massachusetts 02110

Re: United States v. Ivan Cruz-Rivera and Carlos Jimenez  
Criminal No. 16-CR-40025 TSH

Dear Attorneys Fried and Bailey:

Pursuant to Fed. R. Crim. P. 16 and Rules 116.1(C) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, the government provides the following supplemental discovery in the above-referenced case:

Email containing discovery in .pdf format, bearing Bates numbers 00229-00270.

A. Rule 16 Materials

1. Statements of Defendant under Rule 16(a)(1)(A) & (a)(1)(B)

d. Oral Statements to Then Known Government Agents

The following documents are enclosed:

- (1) US Department of Justice, DEA Personal History Report completed after the arrest of the defendant Cruz-Rivera, and related documents (00261-270).

H. Other Matters

The government is aware of its continuing duty to disclose newly discovered additional

evidence or material that is subject to discovery or inspection under Local Rules 116.1 and 116.2(B)(1) and Rule 16 of the Federal Rules of Criminal Procedure.

The government requests reciprocal discovery pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and Local Rule 116.1(D).

The government demands, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, written notice of the defendant's intention to offer a defense of alibi. The time, date, and place at which the alleged offenses were committed is set forth in the indictment in this case, a copy of which you have previously received.

As part of voluntary, supplemental discovery, I also enclose the following documents:

- (1) DEA ROI dated October 8, 2013 (00229-235), which replaces the DEA ROI dated October 8, 2013 which was stamped DRAFT produced during automatic discovery at 00010-16;
- (2) Records from the Federal Bureau of Prisons relating to telephone calls (00236-239);
- (3) Draft transcript of telephone calls between the CW and the defendant Cruz-Rivera and/or Cruz-Rivera's son (00240-246);
- (4) Draft transcript of October 4, 2013 controlled purchase of heroin by Cooperating Source with CW (00247-255);
- (5) Draft transcript of October 17, 2013 telephone call between Cooperating Source and CW (00256-260).

Please call the undersigned Assistant U.S. Attorney at 508-368-0104 if you have any questions.

Very truly yours,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Michelle L. Dineen Jerrett  
MICHELLE L. DINEEN JERRETT  
Assistant U.S. Attorney

Enclosures: Documents/items bates-numbered 00229 to 00270

cc: Lisa Belpedio  
Clerk to the Honorable DAVID H. HENNESSY  
(w/o enclosures)